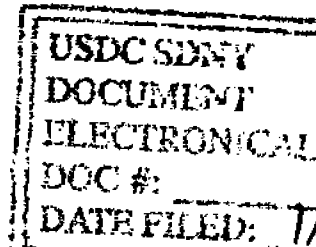


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
: ECF CASE
SANOFI PASTEUR, INC., f/k/a AVENTIS
PASTEUR, INC., and Cargo Insurers, :
: 07 Civ. 6354(BSJ)(FM)
Plaintiffs, :
: **SCHEDULING ORDER**
- against - :
: 
KUEHNE & NAGEL, INC.; KUEHNE &
NAGEL, S.A.; EXCLUSIVE
TRANSPORTATION FOR INDUSTRY,
INC.; CONTINENTAL AIRLINES, INC.;
: **USDC SDNY**
: **DOCUMENT**
: **ELECTRONICALLY FILED**
: **DOC #:**
: **DATE FILED: 1/4/08**
Defendants. :
-----X

I. DATE OF CONFERENCE: December 20, 2007 at 3:00 p.m.

II. APPEARANCES FOR THE PARTIES:

Plaintiffs:

David L. Mazaroli, Attorney for Plaintiffs

Defendants:

Ernest H. Gelman, Attorney for Defendants
Kuehne & Nagel, Inc. and Kuehne & Nagel S.A.

Francis A. Montbach, Attorney for Defendant
Continental Airlines, Inc.

Andrew Karonis, Attorney for Defendant
Exclusive Transport for Industry, Inc.

III. STATEMENT OF THE ISSUES (as they presently appear):

- A. Are any of the defendants liable for the claimed damages and if so, are the
liable defendants jointly or severally liable for the claimed damages?
- B. Is such liability limited?

- C. Are defendants entitled to recover on their cross-claims for indemnity, including attorneys fees?
- D. What is the proper measure of damages, if any?
- E. Are plaintiffs entitled to prejudgment interest? If so, what is the proper rate of interest?

IV. DISCOVERY SCHEDULE:

- A. Anticipated Depositions:
 - Surveyors
 - Representatives of each defendant
 - Representatives of plaintiffs
 - Representatives of ground-handling agent.
 - Other witnesses as identified during the course of discovery
- B. Document production will be completed by February 8, 2008
- C. Expert reports will be produced by March 7, 2008 and experts will be deposed by April 4, 2008.
- D. Discovery will be completed by April 11, 2008.
- E. A settlement conference shall be held on March 11, 2008, at 10 a.m., in Courtroom 9B, 500 Pearl Street, New York, New York.
- F. Plaintiffs will provide pre-trial order submissions to defendants by May 2, 2008.
- G. Joint Pre-Trial Order, trial briefs, proposed findings of fact and conclusions of law will be submitted by May 16, 2008 .

V. DISCOVERY LIMITATIONS: None at present.

VI. DISCOVERY ISSUES: None at present.

VII. ANTICIPATED FIELDS OF EXPERT TESTIMONY: Based on the disclosures made to date, counsel anticipate the following areas of expert testimony:

1. Existence and Extent of Damages Alleged
2. Mitigation of Damages
3. Practices and procedures concerning cargo handling, carriage and storage, including but not limited to temperature-controlled care.

VIII. TRIAL TIME: 2 days - nonjury.

IX. This Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference or when justice so requires.

Dated: New York, New York
January 4, 2008

So Ordered:

A handwritten signature in black ink, appearing to read 'Frank Maas', written over a horizontal line.

Honorable Frank Maas
United States Magistrate Judge

Copies to:

Honorable Barbara S. Jones
United States District Judge

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